

REMARKS

The following remarks are made in response to the Office Action mailed August 1, 2005. Claims 1-10, 18-21, 25-26, 28-29 are pending in the application. Claims 11-17, 22-24, 27, and 30-36 have been cancelled. Claims 37-45 have been withdrawn. Claims 1 and 18 have been amended. Applicant respectfully requests reconsideration of the application in view of the following remarks.

The Rejections Under 35 U.S.C. §112, ¶2

In the Office Action, the claims were rejected for being indefinite. Specifically, use of the transitional phrase “being comprised solely of” was cited in the Office Action as rendering the scope of the claims indefinite. Independent claims 1 and 18 have been amended to recite the transitional phrase “consisting of.” It is submitted that the amendment sufficiently clarifies the subject matter recited in the claims and withdrawal of the rejection is respectfully requested.

The §103 Rejections

In the Office Action, Japanese patent reference JP 06-108,309 (“JP ‘309”) was relied upon as a principle reference in rendering independent claims 1 and 18 unpatentable under §103(a). Additionally, the JP ‘309 reference was relied upon in combination with other cited references in rendering the remaining dependent claims obvious under §103(a). Reconsideration of the rejections is respectfully requested.

As amended herein, independent claims 1 and 18 recite that the magnetic fiber consists of a plurality of magnetic particles encapsulated in a polymer fiber matrix and the exterior of the fiber forms a surface of the fabric. The magnetic fibers disclosed in JP ‘309 are of a sheath-core

structure wherein only the core comprises polymeric material having magnetic particles.

Because the core is surrounded by a sheath, the core does not form a surface of the fabric as recited in claims 1 and 18. Rather, in JP '309, the sheath forms the surface of the fabric. One of the disadvantages of the sheath-core structure of JP '309 is that the magnetic particles cannot be uniformly distributed throughout the fiber. By uniformly distributing the particles throughout the fiber, a substantially uniform magnetic field distribution can be created. This allows the creation of an even distribution of magnetic fields over the entire magnetic article. Because JP '309 describes a fiber having an outer thermoplastic polymer layer that surrounds and encapsulates an inner magnetic strand, it does not teach or suggest providing a magnetic composite fiber consisting of a polymer fiber matrix and a plurality of magnetic particles encapsulated in the polymer fiber matrix nor does it teach or show an exterior of such a fiber forming a surface of the fabric. For these reasons, it is submitted that independent claims 1 and 18 are patentable over JP '309.

Claims 2-10 depend from claim 1 and claims 19-21, 25-26, and 28-29 depend from claim 18. It is submitted that these claims are also patentable for the same reasons stated above with respect to claims 1 and 18.

CONCLUSION

In view of the foregoing amendments and remarks, it is submitted that the above-referenced application is in a condition for allowance and notification to that effect is earnestly solicited at the Examiner's earliest convenience. The Examiner is invited to contact the undersigned by telephone if any other matters require resolution prior to notification of allowance.

Respectfully submitted,
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